

DRMS-T

February 19, 1999

SUBJECT: DRMS Letter No. 99-I-2, Moratorium on Small Arms

TO: Recipients of DRMS Numbered Letters

This letter is directive in nature and expires on September 30, 1999, unless sooner updated, supplemented, rescinded or superseded.

1. The purpose of this letter is to update guidance contained in DRMS-I 4160.14, Volume VII, Instructions for Demilitarization for DRMS and the DRMOs, May 1996 edition. This numbered letter issues new guidance for the moratorium on small arms.

2. Pending a formal change, please make the following page changes in Chapter 3 to Volume VII:

REMOVE

INSERT

Pages 3-7 and 3-8

Pages 3-7 through 3-8.1

3. The provisions of this numbered letter are applicable to all DRMS activities worldwide and compliance by all DRMS activities is mandatory.

4. Readers are advised to make marginal annotations to DRMS-I 4160.14, Volume VII, Chapter 3, paragraph L (page 3-7) referencing this letter. File this letter in front of the handbook.

5. In order to maintain a current index of changes to DRMS guidance add this numbered letter to the current DRMS Numbered Letter Index.

/S/ JANINE DES VOIGNES

Encl

JANINE DES VOIGNES
Executive Assistant

DISTRIBUTION:

Per Attached Labels
DRMS-TSP (10)

This numbered letter supersedes DRMS Letter Number 97-I-7, dated December 2, 1997.

2. Overseas. DRMOs are authorized to abandon MAP property requiring DEMIL to the possessing country when there is no market value. The possessing country must agree to accomplish the DEMIL, and apply Trade Security Controls required. Accomplish DEMIL certification, surveillance and any other necessary agreements/arrangements through MAP or the U.S. Embassy in the country possessing the property.

K. MANHOUR REPORTING. DEMIL and associated functions are time consuming and usually performed as an "extra duty" outside of assigned duties. For this reason, it is imperative that all personnel involved in DEMIL functions (e.g., actual performance, surveillance, meetings, etc.) be reported for manhour purposes under cost accounting code 562.

L. SMALL ARMS WEAPONS AND RELATED PARTS, COMPONENTS AND ACCESSORIES. See DoD 4000.25-2-M, Chapter 12, DoD 4160.21-M-1, Chapters II and III and Appendix 4, Category 1, and DoD 4160.21-M, Chapter IV, paragraph B63.

NOTE 1: The Defense Appropriations Acts for 1996 and 1997 created a small arms moratorium by stating that DoD funds may not be spent to DEMIL or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, or M-1911 pistols. The moratorium did not apply to non-repairable small arms. Based on that guidance, DRMOs had been accepting and demilling small arms in "H" condition. However, the DLA Office of General Counsel has now advised that using DoD funds for demilling and disposing of the listed small arms, regardless of condition is a violation of the statute.

NOTE 2: DRMOs should advise generating activities that turn-ins of the listed small arms can no longer be accepted. DRMOs with listed small arms already in their inventory should stop all DEMIL actions and either place the small arms in secure storage or ask the generating activity to retrieve the small arms.

NOTE 3: DLA-MMLC Memo of October 20, 1997 clarified recent guidance on the Moratorium on DEMIL of Small Arms, based on information provided by the Office of the Assistant Deputy Under Secretary of Defense (Materiel and Distribution Management). It said: "The receiver assembly is the weapon and not a part. THE MORATORIUM DOES NOT APPLY TO SMALL ARMS PARTS." Also, "Limited DEMIL can be performed for donation to SEAs or JROTCs if the limited DEMIL is paid for by the donee".

NOTE 4: Office of the Under Secretary of Defense (L/MDM) Memo of August 28, 1997 offers the following guidance on the Small Arms Moratorium. "The moratorium restricts the demilitarization or disposal of small arms. It does not restrict transfer of such arms for use by an authorized recipient, as specifically provided by law, as long as demilitarization is not required. Transfer is authorized by law to other Federal agencies under 40 U.S.C. Sec. 483, to Federal, State and local law enforcement and firefighting agencies under 10 U.S.C. Sec. 2576 and Sec. 2576a, for loans, gifts and exchanges with authorized recipients under 10 U.S.C. Sec. 2572, and for loans to recognized veterans' organizations under 10 U.S.C. Sec. 2572, and for loans to recognized veterans' organizations under 10 U.S.C. 4683."

NOTE 5: Per the Office of the Under Secretary of Defense (L/MDM) memorandum, December 16, 1998, subject: Moratorium on Demilitarization of Small Arms, Section 8020 of the Defense Appropriations Act for FY1999 continues the prohibition on the use of DoD funds to demilitarize or dispose of certain small arms. This section states that none of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles,

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.22 caliber rifles, .30 caliber rifles, or M-10911 pistols. This prohibition is the same as that provided by the FY98 DoD Appropriations Act which, for the first time, included .30 caliber rifles. The moratorium as described above, with the addition of .30 caliber rifles, remains in effect for FY 1999."

1. Receipt Processing. See DRMS-I 4160.14, Volume II, Chapter 2, paragraph Q.
2. SASP. All small arms in DoD control are registered and tracked through the Small Arms Serialization Program (SASP). Input DRMO-demilitarized small arms/receivers (to include confiscated, privately owned (claim property) and nonappropriated fund weapons turned in for disposal) to the SASP (see DRMS-I 4160.14, Volume IV, Chapter 10 for DRMS SASP procedures).
3. R/T/D/S. See DoD 4160.21-M and DoD 4160.21-M-1 for R/T/D/S guidance of small arms/small arms parts.
4. Rock Island Arsenal. CONUS DRMOs are authorized to use Rock Island Arsenal (RIA) as a source of DEMIL. If, after economic analysis, RIA is the most cost effective method, see DoD 4160.21-M-1, Chapter II and Appendix 4, Category 1, for further guidance.

NOTE: DRMOs that intend to use RIA for smelting of small arms or parts are required to submit a forecast of tonnage to RIA. The forecast is done by FY, and is due by September 15. Negative responses are not required.

5. Local Expanded DEMIL at DRMOs. DRMS-DE/DW/DRMSI are authorized to approve local expanded DEMIL of small arms/parts at DRMOs. Approval authority is by letter, and specifies quantity/weight limits based on your DRMO's capability. If your DRMO has a need to DEMIL more than you are authorized, request authorization on a case-by-case basis. Do not exceed your written authorized quantity.

6. Approved Weapons Storage Facilities. DRMOs with approved weapons storage facilities can accept physical custody as well as accountability of small arms.

7. Accomplish DEMIL. Accomplish DEMIL of small arms/receivers and associated DEMIL-required parts as follows:

- a. Receive from the weapons storage facility only the quantity that can be demilitarized that day.
- b. Verify small arms/receivers by serial number. Verify parts by count. Verify any undemilitarized property returned to the weapons storage facility.

NOTE: Do not at any time, leave undemilitarized or demilitarized but not certified small arms/receivers unattended.

- c. Prior to DEMIL inspect all ammunition chambers for live cartridges. If any live cartridges are

found, follow AEDA SITREP procedures. If the bolt is present, put it in the forward position to assure proper DEMIL.

- d. Remove all stocks, foregrips and non-metallic parts.

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e. Accomplish DEMIL by torch cutting, shearing or crushing. Torch cutting must displace at least one-half inch of metal. (See DoD 4160.21-M-1, Chapter III, paragraph B2, and Appendix 4, Category 1 for further guidance.)

8. DEMIL Certification. DEMIL certification for small arms/receivers differs from normal certification as follows:

- a. Both the certifier and verifier will be present during the DEMIL process.
- b. The certifier will perform or supervise the DEMIL.
- c. The verifier will reverify serial numbers prior to DEMIL, and witness the DEMIL performance. Whenever practical, you are encouraged to request the local military security, investigative or weapons storage personnel to serve as verifier.
- d. Accomplish certification the same day as the DEMIL.

